

Charter Review Committee
September 1, 2016
Meeting Minutes

Members Present: Dennis Perron- Chair
Mark Haddad- Vice Chair
Daryl Rynning- Clerk
Roger Currier- member
Tim McNerny - member
Bob DeToma- member
Don Clark- member

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Meeting Open: 6:30 pm

1. Chairman's Update: Perron made the following comments:

1. The Committee's first meeting was on June 9th. Our charge was to review each article of the Charter to ensure 1) that it conforms to the current MGL's (mass general laws), 2) to check for spelling and capitalization errors as well as sentence structure to ensure correctness and 3) to receive input and suggestions from Town Boards, Committees and Citizens for changes to the Charter.

2. Notification that the Charter Review Committee was formed and seeking input was sent via email to all Town Boards and Committees by Mr. McNerny on the week of June 12 and we have received several comments and suggestions since then.

3. The three major Charter changes that are being discussed were not proposed by the Charter Review Committee. They were proposed by Ray Mead for Representative Town meeting, Mr. Craig Dauphinais for an appointed Planning Board and Mr. Tim McNerny for an appointed Town Clerk.

4. Regarding availability of meeting minutes, we do not have the luxury of having a secretary to record and draft minutes. The minutes are recorded and drafted by our Clerk, Daryl, so availability may take a bit longer.

5. Regarding the video of the August 4th meeting, the Charter Review Committee does not control the posting or recording of meetings. I did look into this particular meeting video and have been assured that it will be back and available by the end of the week.

6. In regards to the process moving forward, there will be a public hearing on Sept. 15 to receive input on the three major proposals as posted in the meeting agenda. The Committee will then put together a draft of recommended charter changes as well as our opinion. These proposed changes will be posted on the Charter Review website and will be sent to the Board of Selectman. The Board will then place each suggested change as a separate article on a Town meeting warrant. Each article needs a 2/3 vote for approval from the Town meeting. Each approved article is then put on the ballot to be voted on at Town Elections.

2. Comments from the public:

David Robbins of George Hill Road commented the following- (he is not directly quoted in this document but his general ideas are bulleted)

- Not all people can view the August 4th video
- Does State law overrule the Charter? The elected Housing Authority are affected by State law. Dave will get clarity on what state law has been updated.
- Planning board- Elected vs. Appointed- the issues as Dave understands them
 1. Getting candidates to run
 2. People think there are unacceptable delays from the Planning Board
 3. Projects bouncing between boards
 4. People think the Planning board oversteps authority
- Why haven't we met with the Planning Board yet? They would love it.
 - Failure to elect has only happened 2 times in 10 years according to Dave's records. There is a system in place to deal with openings when they happen.

The appointment process.

- There can be a quorum problem- however the rules that govern a quorum are dictated by law. Special permits require 4 members and they must have been present for all public hearings regarding the topic. Associate members can step in if they have also attended all public hearings if there is a board member absent.

Dave was asked if lack of quorum happens often.

- He said it is rare. A year ago the Planning Board had to start a process over due to a member being elected to another board.

A motion was made by McInerney and seconded by Haddad to set up a meeting with the full Planning Board. Motion carried 7-0.

Tim volunteered to post the meeting for Sept. 8th the next day.

Tim commented that legislation has been suggested to change the super-majority needed for some Planning Board votes and the Mass Municipal Association is for it

- Dave continued.. Regarding projects bouncing back and forth - this hasn't happened recently.
- He has been on the board 6 years- some projects need to be reviewed by the Conservation Commission
- There have been statements made that the Planning Board should not interfere with Town voted projects when really the Town should be held to the same standard as everyone else.
- Elected members can be defeated by Town meeting members.
- Doesn't think this committee (Charter Review) is the appropriate place to discuss problems with how the Planning Board operates. It would be more constructive for people who have trouble with the Planning to sit down with them and discuss it.
- Planning Board has a lot of legal responsibility.
- Should look for ways to improve the Planning Board collaboratively.

- Applicants are sometimes not responsive to communications and suggestion from the Planning Board. Errors are not always entirely on the Planning Board. Currier mentioned that at the last CRC meeting it was discussed to try contacting other Planning Boards to see if they experience the same issues- data not in from this yet.

Perron mentioned accountability of the Planning Board- the Town has no recourse if the Planning Board isn't doing its job other than a recall vote.

Craig Daupinais of Bruce Street spoke:

- Confirmed that he asked for change in Planning Board from elected to appointed.
- He asked how many contested elections have happened for boards like the Planning Board, Zoning Board and Board of Health,
- He made a point about how the BOS and School Committee have many interactions with the voters and effect a broad range of the population in Grafton. And, no-one is going to hear if the Planning Board isn't doing a good job because there is less voter interaction .
- For Selectman not to reappoint an appointed official there needs to be at least 3 members voting that way.
- Potential for a bigger talent pool when we have appointments. Planning Board is extremely important and has an impact on the whole Town.
- There is value to discussing this topic- urged the CRC to check with other Towns that have appointed boards.
- There needs to be accountability for planning board.

Perron commented there was the same angst in 1986 when the Board of Health went from elected to appointed.

- BOS doesn't control the BOH or the ZBA, which are appointed boards. They operate under the law and according their board decisions.
- Balance is needed. Doesn't think there is balance on the Planning Board.

Sargon Hannah of 208 Brigham Hill Rd spoke:

- Just finished up 4.5 years on the Planning Board
- Important board that shapes how the Town gets to look
- Need balance on the board
- Value of appointing is accountability
- Comends members of the Planning Board for the many hours work they put in

Haddad asked how many came forward to be appointed recently?

- More than ran for office

Clark suggested the Planning Board look at its processes

Brook Padgett of 23 North Street spoke:

- Right now no-one seems to run for any board except the BOS
- When the BOH was changed from elected to appointed, Craig supported it, Brook was against it

- Not concerned about the speed with which the Planning Board gets things done, more concerned about qualifications of people running for/being appointed to the board
- Better qualified means better outcomes for the Town
- Gave an example of recent Dunkin Donuts plans not being allowed to have a side-walk but had to have more green space which affected parking
- Discretion could have been used when passing those plans
 - Important to look at long term goals and outcomes for the future.

Barry Smith of Garden Street spoke:

- Look at Charter qualifications for Town Administrator and Assistant Town Administrator
- There should be a residency requirement for Town Administrator and Assistant Town Administrator
- When proposing a tax increase, what is good for the goose should be good for the gander
- Sees much value for that position to be living in Grafton
- Assistant Town Administrator should live in Town to stay focused on Town affairs

McInerny commented that it isn't wise to limit qualifications/ restrict to town residency as a qualification. Mentioned we have many qualified residents living in Town currently. Perron commented restricting qualifications would make it too cumbersome to hire, too restrictive and current state requires a 15 mile radius.

3. General Business:

- a. Review Charter Article 6- passed over this evening
- b. Review Article 7 - passed over this evening.
- c. Meeting Minutes August 4, 2016 Haddad motioned to accept meeting minutes, DeToma second. Motion carries 6-0-1 Clark abstain
- d. Meeting minutes July 21, Haddad motioned to accept, DeToma second. Motion carries 6-0-1 McInerny abstain.
- e. Meeting minutes August 18, Haddad motion to accept, DeToma second. Motion carries 6-0-1 Rynning abstain.
- f. General Business Discussion
 - Survey has only had 11 responses. Survey is flawed, people can respond more than once.
 - Use Facebook to drive people to the survey.
 - Committee is not going to be done with proposal for Charter changes by October Town meeting.
 - Need to draw up the whole package and get it to the BOS.
 - Proposals will go on Town warrant.
 - Would like an opinion from Town counsel on elected vs appointed- also section 7-7 of the Charter clarified
 - Can't recommend Representative Town Meeting according to section 40(3)b- section 10 of Mass General Laws

Accepted by vote October 6, 2016

4. Adjournment: 8:02 pm. Carrier motioned for adjournment, McNerny second. Motion carries 7-0.

Respectfully Submitted by Daryl Rynning Citizen
email attachments on file

